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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,168	06/29/2003	Mark D Jacunski	BUR920020143US1	1167
30449	7590	03/02/2005	EXAMINER	
SCHMEISER, OLSEN + WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110				MAI, SON LUU
		ART UNIT		PAPER NUMBER
		2827		

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/604,168	JACUNSKI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Son L. Mai	2827	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 January 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.

5)  Claim(s) 17-26 is/are allowed.

6)  Claim(s) 11 and 16 is/are rejected.

7)  Claim(s) 12-15 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 29 June 2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. This application contains claims 1-26 with claims 1-10 drawn to an invention nonelected with traverse in Paper dated 01-03-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
2. Applicant's election with traverse of Group II, claims 11-26 in the reply filed on 01-03-05 is acknowledged. The traversal is on the ground(s) that the Applicants submitted the search and the examination of the entire application could be made without serious burden on the Examiner. This is not found persuasive because as stated in previous Election/Restrictions requirement, the inventions are classified in different classes. The elected invention is classified in class 365 and the nonelected invention is classified in class 327. Thus, the search and the examination of both inventions in one application would be a serious burden on the Examiner. The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

3. The drawings are objected to because in figure 2, a signal reference label "CASCLK" indicating a second column address strobe clock is omitted. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should be rewritten to avoid the term "means" in line 4.

***Claim Rejections - 35 USC § 112***

5. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "said first write recovery time" in line 5, should be --said second write recovery time—for relating to the second clock frequency. Similarly, the recitation "said first time interval" in line 6 should read – said second time

interval--. Also note that the second write recovery time is 12 nanoseconds, not 15 nanoseconds.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by Hovis et al. (U.S. Patent 6,434,082).

Regarding claim 11, Hovis discloses an SDRAM comprising: at least one bank of DRAM cells (Background Art); said SDRAM operable to a first specification (PC100 in figure 2) defined by a first clock frequency (Clock Period = 10 ns), a first write recovery time (tWR=20 ns) and a first time interval for precharge to row address strobe (tRP=30 ns); and means (on-chip timer, column 6, line 20) for programming said SDRAM operable to a second specification (PC 133) defined by a second clock frequency (Clock

Period = 7 ns), a second write recovery time (tWR=14 ns) and a second time interval for precharge to row address strobe (tRP=21 ns).

***Allowable Subject Matter***

8. Claims 17-26 are allowed.
9. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
11. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach at least the further limitation of claim 12 which calls for precharging of bitlines in at least one bank of DRAM cells is delayed by a time interval substantially equal to the difference between the first write recovery time and the second write recovery time of claim 11.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Park (US 20030185075 A1), Koshikawa (U.S. Patent US 6353573 B1), and Otake (U.S. Patent US 6507526 B2) teach SDRAM devices having timer circuits permitting the devices operate in different frequencies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son L. Mai whose telephone number is 571-272-1786. The examiner can normally be reached on 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoai Ho can be reached on 571-272-1777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

02-25-05

  
Son L. Mai  
Primary Examiner  
Art Unit 2827